

**Enrolled Minutes of the Fortieth Regular Meeting  
Of the Twenty-Sixth Highland Town Council  
Monday, August 24, 2009**

*Study Session.* The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, August 24, 2009 at 6:30 p.m. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the matter of modifying the study session owing to Labor Day as well as setting an initial meeting with department heads for FY 2010 budget.
3. The Town Council discussed a charge for maintenance staff made by the School Town to the Civil Town.
4. The Town Council discussed a natural gas leak that occurred in consequence of excavation conducted on Kennedy Avenue Reconstruction Project. The gas line was repaired and service was restored.
5. It was noted that the Highland Christian School would be conducting a fireworks display at its campus as part of its celebration of its 100<sup>th</sup> anniversary.

The study session ended at 6:59 p.m.

*Regular Meeting.* The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, August 24, 2009 at 7:01 p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Dan Vassar presided. The session was opened with Councilor Brian Novak leading the pledge of allegiance to the United States Flag and offering the opening prayer.

**Roll Call:** Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officers Present:** Rhett L. Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; William R. Timmer, CFOD, Fire Chief; Kenneth J. Mika, Building Commissioner; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Kathleen A. Dowling, Deputy Clerk-Treasurer and Cecile Petro, Redevelopment Director were present.

Also Present: Lisa Gauthier of the Community Events Commission and Dennis Adams of the Town Board of Metropolitan Police Commissioners were also present.

## Minutes of the Previous Session

The minutes of the regular meeting of August 10, 2009 were approved by general consent.

### Unfinished Business and General Orders:

1. Action of the Town Council President (Municipal Executive) as appointing authority to consider approval of the **Conflict of Interest Disclosure Statement** filed by **Robert Johnsen**, an employee in **J&K Environmental, Inc.** which will perform an asbestos removal project for the Municipality. Mr. Johnsen is also a member of the Board of Sanitary Commissioners. This filing is pursuant to IC 35-44-1-3.

The Town Council President as municipal executive announced his approval of the statement and indicated he would sign to indicate.

2. **Resolution No. 2009-41:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the **Fire/EMS Department of the Corporation General Fund** as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6.

Councilor Zemen moved the passage and adoption of Resolution No. 2009-41. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

### TOWN OF HIGHLAND APPROPRIATION TRANSFER RESOLUTION RESOLUTION NO. 2009-41

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the CORPORATION GENERAL FUND – FIRE DEPARTMENT as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Fire Department of the Corporation General Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Fire Department of the Corporation General Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

#### CORPORATION GENERAL FUND

##### Fire Department

Reduce Account:	#340.43 AD & D/Life Insurance	<u>\$4,989.00</u>
	<i>Total 300 Series Reductions</i>	\$4,989.00
Increase Account:	#111.14 Training/Meeting Compensation	<u>\$4,989.00</u>
	<i>Total 100 Series Increases</i>	\$4,989.00
Total of All Fund Decreases:		\$4,989.00
Total of All Fund Increases:		\$4,989.00

DULY RESOLVED and ADOPTED this 24<sup>th</sup> Day of August 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Works Board Order No. 2009-28:** An Order Authorizing and Approving the ninth and tenth change orders to the construction Contract R-30936-A related to the Kennedy Avenue Improvement Project, Northern Terminus at Little Calumet River and southern Terminus at Ridge Road, a Federal Aid Highway Project, all pursuant to IC 36-1-12-18

Councilor Zemen moved the passage and adoption of the Works Board Order No. 2009-28. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND  
ORDER of the WORKS BOARD NO. 2009-28

**A N ORDER AUTHORIZING and APPROVING THE NINTH AND TENTH CHANGE ORDERS to the CONSTRUCTION CONTRACT R-30936-A RELATED to the KENNEDY AVENUE IMPROVEMENT PROJECT, NORTHERN TERMINUS AT LITTLE CALUMET RIVER AND SOUTHERN TERMINUS AT RIDGE ROAD, A FEDERAL AID HIGHWAY PROJECT, ALL PURSUANT TO IC 36-1-12-18**

**Whereas,** The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24 (3), has heretofore authorized and approved a public works project for street construction and other improvements in the public roadway through the assistance of federal highway aid funds, with the project commonly known as the **Kennedy Avenue Reconstruction Project**;

**Whereas,** In the course of the construction, reconstruction, or repair of the Kennedy Avenue Reconstruction Project, it has become necessary to change or alter the original specifications of the project;

**Whereas,** First Group Engineering (FGE), Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town through its Public Works Director, has specifically identified and presented descriptions of such changes as two (2) proposed addenda, to be known as the *ninth and the tenth addenda* to the original construction contract with Grimmer Construction, Inc., particularly in support of changes in costs associated with items outlined in each order document which has a net effect of increasing the contract cost; and

**Whereas,** There are sufficient and available appropriations balances on hand to support any additional payments, if required, under the agreement, pursuant to IC 5-2-2;

**Whereas,** The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the orders for change as described;

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1** That the Second through Sixth Addenda to the Construction Contract R-30936-A with Grimmer Construction, Inc. for the **Kennedy Avenue Reconstruction Project**, as prepared by First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, are hereby determined to be directly related to the original project and are hereby approved, adopted and ratified in each and every respect;

**Section 2.** That a ninth addendum is hereby ordered to be known as **Change Order No. 9**, issued to add net increases to the original agreement in the net increased amount of five thousand, eight hundred ninety-seven dollars and sixty-seven cents (\$5,897.67);

**Section 3.** That a tenth addendum is hereby ordered to be known as **Change Order No. 10**, issued to add net increases to the original agreement in the net increased amount of fifty-six thousand, seven hundred, seventy-seven dollars and sixty-eight cents (\$56,777.68);

**Section 4.** That the adoption and approval of change orders numbered 9 through 10, have the aggregate effect of producing a net increase of sixty-two thousand, six hundred seventy-five dollars and thirty-five cents (\$62,675.35), bringing the total value of the entire agreement with any and all change orders approved to date to seven million, five hundred seven thousand, seven hundred forty-seven dollars and sixty-three cents (\$7,507,747.63);

**Section 5.** That as any additional units of materials included in the original contract become needed, the cost of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

**Section 6.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original being seven million, three hundred-thirty-five thousand, six hundred thirty-eight dollars and eighty cents (\$7,335,638.80)) which may not exceed eight million, eight hundred two thousand, seven hundred sixty-six dollars and twenty cents (\$8,802,766.20) all pursuant to IC 36-1-12-18(d);

**Section 7.** That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

**Be it So Ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 24<sup>th</sup> day of August 2009 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Works Board Order No. 2009-29:** An Order of the Works Board Approving and Authorizing An agreement between Garcia Consulting Engineers and the Town of Highland to perform Professional Engineering Services during Construction for the Ridgewood Avenue Reconstruction Project in the amount not-to-exceed \$26,100.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2009-29. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN OF HIGHLAND  
BOARD OF WORKS  
ORDER OF THE WORKS BOARD NO. 2009-29**

An Order Approving and Authorizing An agreement between Garcia Consulting Engineers and the Town of Highland to perform Professional Engineering Services during Construction for the Ridgewood Avenue Reconstruction Project in the amount not-to-exceed \$26,100.

**Whereas,** The Town Council has heretofore determined that a need exists to reconstruct the 2000-2200 blocks of Ridgewood Avenue and has implemented the Ridgewood Avenue Reconstruction Project; and

**Whereas,** Garcia Consulting Engineers (Consultant) has offered and presented an agreement to provide and furnish professional engineering services during construction in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the additional services completed, in an amount not to exceed Twenty-six Thousand One Hundred Dollars and 00/100 cents (\$26,100); and

**Whereas,** There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

**Whereas,** The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

**Now Therefore Be it Resolved** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section .1** That the Professional Engineering Services during Construction Agreement, (incorporated by reference and made a part of this Order) between Garcia Consulting Engineers and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

**Section 2.** That the terms and charges under the agreement for Professional Engineering Services during Construction in the not to exceed fee amount of Twenty-six Thousand One Hundred Dollars and 00/100 cents (\$26,100) is found to be reasonable and fair;

**Section 3.** That the Town of Highland, through its Town Council, believes that Garcia Consulting Engineers has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5 and Section § 31.64 of the Highland Municipal Code

**Section 4.** That the President of the Town Council be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

**Be is so Ordered.**

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 24<sup>th</sup> day of August, 2009 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Dan Vassar, President

Attest:

Michael Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer

5. **Proposed Ordinance No. 1432:** An Ordinance Amend THE COMPENSATION, Benefits and PERSONNEL PROGRAM of the Municipality, to be known as the Compensation and Benefits Ordinance and Repealing Prior Ordinances and Enactments in Conflict Therewith, Pursuant to IC 36-1-3 and other relevant Statutes, particularly regarding the use of personal property of the municipality by employees.

Councilor Novak introduced and moved the consideration on the first evening of introduction of Ordinance No. 1432. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Novak moved the passage and adoption on the first evening of introduction of Ordinance No. 1432. Councilor Herak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and one negative. With Councilors Herak, Novak, Kuiper and Vassar voting in the affirmative and Councilor Zemen voting in the negative, the motion passed. The ordinance was adopted.

During discussion, Councilor Zemen expressed his opposition to eliminating worker "perks" based upon the high level of worker dedication. He further stated he did not see why this matter had become an issue.

Councilor Herak expressed his belief that the municipal workers are dedicated but he noted that the properties are paid from public funds and should be used for public purposes.

**ORDINANCE NO. 1432  
OF THE  
TOWN OF HIGHLAND, INDIANA**

**AN ORDINANCE AMEND THE COMPENSATION, BENEFITS AND PERSONNEL PROGRAM OF THE MUNICIPALITY, TO BE KNOWN AS THE COMPENSATION AND BENEFITS ORDINANCE AND REPEALING PRIOR ORDINANCES AND ENACTMENTS IN CONFLICT THEREWITH, PURSUANT TO IC 36-1-3 AND OTHER RELEVANT STATUTES, PARTICULARLY REGARDING THE USE OF PERSONAL PROPERTY OF THE MUNICIPALITY BY EMPLOYEES.**

**WHEREAS,** The Town Council is the fiscal and legislative body of the Town of Highland;

**WHEREAS,** IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

**WHEREAS,** IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

**WHEREAS,** IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

**WHEREAS,** IC 5-10 in several pertinent chapters further authorizes Indiana political subdivisions to participate in and provide for certain compensation plans, and group benefits for its public workforce and officers, some of which have been duly adopted and established by ordinance of the Town; and

**WHEREAS**, IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

**WHEREAS**, The Town Council has determined that an amendment of a program for compensation, benefits and personnel management for its public workforce, particularly regarding use of personal property of the municipality, consistent with Indiana Statutes, would be of benefit to support and carryout the public purposes of the municipality; and

**WHEREAS**, The Town Council now desires to make such an amendment;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the established compensation, benefits and personnel program of the municipality pursuant to and consistent with the provisions of the relevant governing law, is found and determined to require certain modification;

**Section 2.** That the ordinance, with the short title styled as styled as the "Compensation and Benefits Ordinance", is hereby amended as follows:

**§ 3.16 Use of Municipal Property and Facilities**

Employees who operate vehicles owned by the Town will lock the vehicle when it is not occupied or otherwise secured in a facility that is locked down. The use of Town postage stamps or the postage meter for personal use is strictly prohibited. **Except as otherwise provided in Sections §5.17 et seq., §5.24.03 and § 5.24.04, use of Town tools, material, facilities or equipment for personal use is prohibited.**

**This prohibition does not prevent the use of facsimile or photo-coping machines provided the authorized fees for such uses are paid. Still further, this does not prohibit the use of personal properties that are otherwise made available to the public subject to a rental or user fee, provided the employee applies for the use as would any member of the public and pays the appropriate user fees. Further, this prohibition does not affect the reasonable use of telephones for personal use that does not adversely affect the performance of an employee's official duties or the functions of an employee's department.**

If, for any reason, you leave our employment, you must return any property of the Town in your possession. These items should be returned not later than your last day of work.

**Section 3.** That amendments adopted by the passage of this ordinance, in its substantive parts shall be compiled into a complete and simplified version, excluding its preambles or formal recitals, featuring a cover and brief narratives regarding the municipality and inserted in to a presented in handbook or similar form, to be distributed to employees and officers of the municipality and may be referred to as the Employee Handbook;

**Section 4.** That this ordinance is to be construed as a companion ordinance complimentary to any ordinance passed from time to time establishing wages and rates of pay and known as the salary ordinance;

- (a) That this ordinance shall be effective to the extent that it is not in conflict with Federal or State law;
- (b) That all other ordinances and resolutions related to the subject matter of this ordinance and not in conflict with its provisions, and the enabling instruments dealing with public employee retirement plans, remain in full force and effect;
- (c) That all other ordinances and resolutions in conflict with the provisions of this ordinance are hereby repealed and have no further force or effect;

**Section 5.** That this ordinance shall become and remain in full force and effect from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the clerk-treasurer, in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 24<sup>th</sup> day of August 2009. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 24<sup>th</sup> Day of August 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 1 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

6. **Proposed Ordinance No. 1433:** An Ordinance Amend Chapter 216 of the Highland Municipal Code to authorize and establish the Redevelopment Commission as the advisory body to review applications for Riverfront Development Projects, prior to consideration by the Town Council.

Councilor Zemen introduced and filed proposed Ordinance No. 1433. there was no further action.

7. **Resolution No. 2009-42:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the **Law Enforcement Continuing Education and Training and Supply Fund** as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2009-42. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2009-42

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the LAW ENFORCEMENT CONTINUING EDUCATION FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Law Enforcement Continuing Education Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That is has been shown that certain existing unobligated appropriations of the **Law Enforcement Continuing Education Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

LAW ENFORCEMENT CONTINUING EDUCATION FUND

Reduce Account:	#330.02 Printed Supplies	<u>\$572.80</u>	
	<i>Total 300 Series Reductions</i>		\$572.80
Increase Account:	#430.03 Furniture & Fixtures	<u>\$572.80</u>	
	<i>Total 400 Series Increases</i>		\$572.80
	<b>Total of All Fund Decreases:</b>	<b>\$572.80</b>	
	<b>Total of All Fund Increases:</b>	<b>\$572.80</b>	

DULY RESOLVED and ADOPTED this 24<sup>th</sup> Day of August 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 8 Authorization for a special **Study Session Monday, August 31, 2009**, pursuant to Section § 30.27 (c) of municipal code. The purpose of the meeting will be to allow General Orientation for Budget FY 2010. Action on other study sessions.

Councilor Zemen moved that a special study session of the Town Council be convened on the **Monday, August 31, 2009 at 7:00 p.m.** for the purpose of conducting a Budget Orientation and Workshop. Further, that the regular study session set for Monday September 7 (Labor Day) be rescheduled for **Tuesday, September 8, 2009** at 7:00 p.m. at the Highland Town Hall. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The meetings were set or rescheduled.

**Comments from the Town Council Members  
(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Redevelopment Commission Liaison • Plan Commission member • Lake County Solid Waste Management District Board of Directors • President's designee to Select Centennial Commission.*

Councilor Zemen reported that the Plan Commission had approved the design standards for the redevelopment area.

He also noted that the Highland Christian School would be celebrating its 100<sup>th</sup> Anniversary with Fireworks on Friday.

- **Councilor Mark Herak:** • *Advisory Board of Zoning Appeals, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Councilor Herak commended the Fire chief regarding a recent response to a garage fire that spread to the house in the Meadows. He further commended the Public Works staff for its organization of the recent groundbreaking ceremony for the Homestead Gardens Detention basin.

Councilor Herak also requested that the Redevelopment Director be encouraged to scheduled a briefing for the Town Council on the design standards as approved by the Plan Commission.

- **Councilor Brian Novak:** • *Town Board of Metropolitan Police Commissioners, Liaison • Traffic Safety Commission Member • Chamber of Commerce Co-Liaison.*

Councilor Novak commended the Public Works Director regarding the Homestead Garden Detention basin project, noting he had favorable comments from several of his neighbors on the matter. He further commended Councilor Zemen for his work on the recent Chamber of Commerce Golf Outing.

- **Councilor Konnie Kuiper:** • *Fire Department Liaison • Parks and Recreation board, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper commented favorably on the back-up generators on the North end serving the sanitary and storm pumping stations at those locations.

Councilor Kuiper commented favorably on the Fire Department's method of reviewing its responses to fires and the effort to find ways to perform better for future incidents.

- **Councilor Dan Vassar:** • *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Board of Sanitary Commissioners.*

Councilor President Vassar recognized the Building Commissioner, who offered a brief summary of the pending Plan Commission and ABZA dockets.

Council President Vassar also commended the Public Works staff for the Homestead Gardens Detention Basin ground breaking ceremony as well as Robin Carlascio and her work on the *Gazebo Express*, the monthly municipal newsletter.

With leave from the Town Council, Councilor Herak reported that there was recently installed a new electronic sign at the Main Square Park and the a two person subcommittee of the Park and Recreation Board would be selecting new colors for application on the Gazebo.

**Comments from the Public or Visitors.**

1. Rick Volbrecht, 9221 Parkway Drive, Highland, inquired about the recently adopted ordinance prohibiting employee use of municipal public property particularly about language in which the employees could use properties if the public was permitted to as well, including paying such fees if any. Mr. Volbrecht inquired whether or not any fees had been established and whether or not such a policy was in place.

Mr. Volbrecht also expressed his concern about the manner in which during the last study session in which the matter of employee use of personal property was discussed, allowed a municipal employee to engage in discussion and comment on the possible policy change. Mr. Volbrecht indicated his belief that the public should have been given a similar opportunity for comment. Mr. Volbrecht also indicated that he favored a policy that prohibited employee use of the municipal property for personal purposes.

2. Jim Stinger, 2933 Condit, Highland, expressed his belief that in private business employee use of its property for personal purposes would not be permitted. He favored a policy that prohibited employee use of all municipal personal property for personal uses.

**Payment of Accounts Payable Vouchers.** There being no further public or visitor comment, Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period of August 11, 2009 through August 24, 2009. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion was passed. The accounts payable vouchers were allowed and the Clerk-Treasurer was authorized to make payment.

**General Fund, \$235,840.50; Motor Vehicle Highway (MVH) Fund, \$18,154.23; Local Road and Street (LR & S) Fund, \$27,551.57; Federal Forfeit and Seized Asset Fund, \$400.00; Law Enforcement Continuing Education Fund, \$94.09; Information and Communications Technology Fund, \$5,905.57; Special Events Non-reverting Fund, \$2,389.80; Rainy Day Fund, \$899.34; Safe Neighborhood Fund, \$1,615.38; Municipal Cumulative Street Fund, \$1,625.00, Gaming Revenue Sharing Fund, \$29,320.00; Corporation Capital Fund, \$90,949.91; Total: \$414,745.39.**

**Adjournment.** Councilor Zemen moved that the regular meeting be adjourned. Councilor Kuiper seconded. Upon a vote, *viva voce*, the motion passed. The regular meeting of the Town Council of Monday, August 24, 2009 was adjourned at 7:35 p.m. There was no study session following the meeting.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer